

ASSEMBLY BILL

No. 2577

Introduced by Assembly Member Galgiani

February 24, 2012

An act to add Section 21091.7 to the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 2577, as introduced, Galgiani. Environmental quality: public comments.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA requires the lead agency to consider and respond to comments received on a draft EIR, proposed negative declaration, or proposed mitigated negative declaration that are received within the public review period.

This bill would specify that the lead agency does not have a duty to consider, evaluate, or respond to comments received after the expiration of the public review period. The bill would provide these comments

are not a part of the record of proceedings for the EIR, negative declaration, or mitigated negative declaration.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 21091.7 is added to the Public Resources
- 2 Code, to read:
- 3 21091.7. (a) Notwithstanding any other law, the lead agency
- 4 does not have a duty to consider, evaluate, or respond to comments
- 5 received from the public after the public review period specified
- 6 pursuant to Section 21092 has expired.
- 7 (b) If significant new information is added to the environmental
- 8 impact report after the notice required pursuant to Section 21092
- 9 has been given and the consultation has occurred pursuant to
- 10 Sections 21104 and 21153, Section 21092.1 shall apply.
- 11 (c) Comments received after the expiration of the public review
- 12 period set forth in Section 21092 shall not become part of the
- 13 record of proceedings prepared pursuant to Section 21167.6.